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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,196

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Salvatore Sanna

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WHIRLPOOL PATENTS COMPANY - MD 0750
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ST. JOSEPH, MI 49085

EXAMINER

JENNISON, BRIAN W

ART UNIT

PAPER NUMBER

3742

MAIL DATE

DELIVERY MODE

09/17/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,196	Applicant(s) SANNA ET AL.	
	Examiner BRIAN JENNISON	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 14-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The method in claim 14 does not involve and transformation of a physical object only transmission and processing of a signal. The method may also be performed by hand since receiving input or a signal may be done by observing a light and the processing and determining may be done by hand calculation.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 14-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 14 states alpha and beta are obtained experimentally for the set food. The specification contains the same statement. This is a clear indication of further experimentation being required to complete the invention since no steps are on how to experimentally obtain the data are disclosed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al (US 4,335,293) in view of Tanabe (US 4,463,238).

Kobayashi discloses regarding claim 10, a domestic oven (1), of the type comprising heating means(4), a gas sensor(6) connected to a central processing and control unit(7,8) and a user interface connected to said central processing unit by means of which the user can set the type of food placed in the oven compartment, wherein the user interface comprises means for setting the desired degree of cooking of the food and by the fact that the central processing unit(7,8) is capable of processing the signal of the gas sensor(6) in such a way as to determine the cooking end time of the food, the central processing unit(7,8) being capable of interrupting the power supply to the heating means(4) on the basis either of this cooking end time modified, if necessary, on the basis of the degree of cooking set by the user. The processing units receive signals from the gas sensor. (Figures 1 to 3; Column 2, line 60 to

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column 3, line 49; column 3, lines 55 to 67; column 4, lines 18 to 40). Kobayashi fails to disclose a CPU configured to receive and filter the signal from the gas sensor, with an amplitude of the filtering depending on the type of food set by the user.

Tanabe teaches regarding claim 10 a gas sensor 34 sends a signal to a CPU 110 and would filter the signal based on the type of food input by the user at the menu selection 132. It would have been obvious to adapt Kobayashi in view of Tanabe to provide the CPU configured to receive a signal from the gas sensor for controlling the cooking process based on the type of food menu selected for heating. Kobayashi discloses regarding claims 11-13, a domestic oven (1) wherein the central processing unit (7, 8) is capable of determining the cooking interval using a function of the signal coming from the gas sensor (6), the temperature of the compartment and the control algorithm for the oven. (Figures 1 to 3; Column 2, line 60 to column 3, line 49; column 3, lines 55 to 67). Since the type of food is set, filter 16 filters a signal from the humidity sensor 6. See Fig 7. A domestic oven (1) wherein the gas sensor (6) is positioned inside the duct of the oven (Figure 2).

1. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al (US 4,335,293) as modified by Tanabe and in further view of Shon et al (US 6,538,240).

The teachings of modified Kobayashi et al have been discussed above.

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Kobayashi as modified fails to teach: processing the signal according to the function in claim 8.

Shon et al teaches: using a delta T function for calculating the end of the cooking time using a time difference and a humidity difference from a gas sensor. **See Column 5, Lines 20-60.**

In view of the teachings of Shon it would have been obvious to one of ordinary skill in the art at the time of the invention to include the function for processing a signal to end the cooking since Shon teaches a difference function calculated at the start of the cooking operation for determining the completion of the cooking operation based on a time and a humidity difference.

Response to Arguments

6. Applicant's arguments with respect to claims 1-9 and new claims 10-15 have been considered but are moot in view of the new ground(s) of rejection. Since the original claims have been cancelled and new claims have been added applicants arguments are addressed in the claims above by the new reference.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN JENNISON whose telephone number is (571)270-5930. The examiner can normally be reached on M-Th 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TU HOANG can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRIAN JENNISON/
Examiner, Art Unit 3742

/TU B HOANG/
Supervisory Patent Examiner, Art
Unit 3742

8/27/2010